

JS 44C/SDNY
REV. 7/2012

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
APPELLANT PHILLIP SCOTT

DEFENDANTS
APPELLEE RESIDENTIAL CAPITAL, LLC ET AL

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER
Kim DSouza, 1131 Route #55, Suite #6, LaGrangeville, NY 12540
(845) 570-9300

ATTORNEYS (IF KNOWN)
Jonathan S. Petts, Morrison & Foerster LLP
1290 Avenue of the America
Nw York, New York 10104

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 158 Appeal from a Final Judgment of the US Bankruptcy Court for the Southern District of New York

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

Is THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

PERSONAL INJURY

PERSONAL INJURY

FORFEITURE/PENALTY

BANKRUPTCY

OTHER STATUTES

[] 110	INSURANCE
[] 120	MARINE
[] 130	MILLER ACT
[] 140	NEGOTIABLE INSTRUMENT
[] 150	RECOVERY OF OVERPAYMENT ENFORCEMENT OF JUDGMENT
[] 151	MEDICARE AND
[] 152	RECOVERY OF DEFAULTED STUDENT LOAN (EXCL VETERAN)
[] 153	RECOVERY OF OVERPAYMENT OF VETERAN BENEFITS
[] 160	STOCKHOLDERS SUITS
[] 190	OTHER
[] 195	CONTRACT CONTRACT PRODUCT LIABILITY
[] 196	FRANCHISE

- [] 310 AIRPLANE
- [] 315 AIRPLANE PRODUCT LIABILITY
- [] 320 ASSAULT, LIBEL & SLANDER
- [] 330 FEDERAL EMPLOYERS' LIABILITY
- [] 340 MARINE
- [] 345 MARINE PRODUCT LIABILITY
- [] 350 MOTOR VEHICLE
- [] 355 MOTOR VEHICLE PRODUCT LIABILITY
- [] 360 OTHER PERSONAL INJURY

[] 362	PERSONAL INJURY - MED MALPRACTICE
[] 365	PERSONAL INJURY PRODUCT LIABILITY
[] 368	ASBESTOS PERSONAL INJURY PRODUCT LIABILITY
PERSONAL PROPERTY	
[] 370	OTHER FRAUD
[] 371	TRUTH IN LENDING
[] 380	OTHER PERSONAL PROPERTY DAMAGE
[] 385	PROPERTY DAMAGE PRODUCT LIABILITY

[]	610	AGRICULTURE
[]	620	OTHER FOOD & DRUG
[]	625	DRUG RELATED SEIZURE OF PROPERTY
		21 USC 881
[]	630	LIQUOR LAWS
[]	640	RR & TRUCK
[]	650	AIRLINE REGS
[]	660	OCCUPATIONAL SAFETY/HEALTH
[]	690	OTHER

☒ 422 APPEAL
28 USC 158
☐ 423 WITHDRAWAL
28 USC 157

PROPERTY RIGHTS

- [] 820 COPYRIGHTS
- [] 830 PATENT
- [] 840 TRADEMARK

SOCIAL SECURITY

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[ ] 861 HIA (1395lf)
[ ] 862 BLACK LUNG (923)
[ ] 863 DIWC/DIWW (405(g))
[ ] 864 SSID TITLE XVI
[ ] 865 RSI (405(g))
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FEDERAL TAX SUITS

T [] 870 TAXES (U.S. Plaintiff or Defendant)
[] 871 IRS-THIRD PARTY
26 USC 7609

- [400 STATE REAPPORTIONMENT
- [1410 ANTITRUST
- [1430 BANKS & BANKING
- [1450 COMMERCE
- [1460 DEPORTATION
- [1470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
- [1480 CONSUMER CREDIT
- [1490 CABLE/SATELLITE TV
- [1810 SELECTIVE SERVICE
- [1850 SECURITIES/COMMODITIES/EXCHANGE
- [1875 CUSTOMER CHALLENGE 12 USC 3410
- [1890 OTHER STATUTORY ACTIONS
- [1891 AGRICULTURAL ACTS
- [1892 ECONOMIC STABILIZATION ACT
- [1893 ENVIRONMENTAL MATTERS
- [1894 ENERGY ALLOCATION ACT
- [1895 FREEDOM OF INFORMATION ACT
- [1900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
- [1950 CONSTITUTIONALITY OF STATE STATUTES

REAL PROPERTY

[] 210	LAND CONDEMNATION
[] 220	FORECLOSURE
[] 230	RENT LEASE & EJECTMENT
[] 240	TORTS TO LAND
[] 245	TORT PRODUCT LIABILITY
[] 290	ALL OTHER REAL PROPERTY

- [] 443 HOUSING/
ACCOMMODATIONS
- [] 444 WELFARE
- [] 445 AMERICANS WITH
DISABILITIES -
EMPLOYMENT
- [] 446 AMERICANS WITH
DISABILITIES -OTHER
- [] 440 OTHER CIVIL RIGHTS
(Non-Prisoner)

PRISONER CIVIL RIGHTS
[] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION

IMMIGRATION

[] 462 NATURALIZATION
APPLICATION

[] 463 HABEAS CORPUS-
ALIEN DETAINEE

[] 465 OTHER IMMIGRATION
ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Hon. Martin Glenn DOCKET NUMBER 12-12020-mg

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☒ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellant Phillip Scott
C/O Kim DSouza, Esq.
1131 Route #55, Suite #6
LaGrangeville, NY 12540

Appellant Resides in Westchester County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Residential Capital, et al., Debtor and Debtors in Possession
C/O Jonathan M. Petts
Morrison & Foerster LLP
1290 Avenue of the Americas
New York, New York 10104

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☒ WHITE PLAINS ☐ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE SIGNATURE OF ATTORNEY OF RECORD

Kim D Souza

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
☒ YES (DATE ADMITTED Mo. 03 Yr. 1993)
Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)